

§ 934.16

30 CFR Ch. VII (7–1–97 Edition)

FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
July 30, 1982	February 9, 1983, November 9, 1983.	NDCC Chapter 38–14.1; subsection 5 of § 38–14.1–02, definitions of “extended mining plan,” “performance bond,” 38–14.1–03; subsection 3 of § 38–14.1–07, 13; subdivision “u” of subsection 1 of § 38–14.1–14; subdivision “n” of subsection 2 of § 38–14.1–14; § 38–14.15; subsection 3 of § 38–14.1–20; subsections 17, 18 of § 38–14.1–24; subsection 4 of § 38–14.1–30; § 38–14.1–38; Chapter 38–12.1; subdivision b of § 1 of § 38–12.1–04; Chapter 38–18; subsection 3 of § 38–18–05, definition of “mineral developer,” subsection 6 of § 38–18–05, definition of “mineral owner,” subsection 10 of § 38–18–05, definition of “surface owner,” subsection 3 of § 38–18–06; § 38–18–07; NDAC 69–05.2, Chapter 69–05.2–01, 05 through 19, 21, 22, 23, 26; NDCC § 38.12.1–03.
February 2, 1984	July 19, 1984	NDAC §§ 38–14.1–02(33)(a), 04.1, .2, .3, 13(1)(b), 24(1)(1); §§ 69–05.2–05–03, 69–05.2–09–18, 69–05.2–13–12.1 through .6, 69–05.2–16–04.
February 27, 1984	January 3, 1985	NDAC §§ 69–05.2–01–02, definition of “blaster” and renumbering of §; 69–05.2–17–01; 69–05.2–31.
June 18, 1985	February 18, 1986 ..	NDCC 38–14.1–04.2, .3, –7, –10, –14, –21, –30, –33; NDAC 69–05.2–04–01, –06–02, –08–03, –09–02, –08, –09, –10–03, –16–09.
May 30, 1986	October 21, 1986 ...	NDAC 69–05.2–01–02 (11), (12), definitions “coal preparation,” “coal preparation plant,” “coal processing plant,” 08–05(2)(c)(5), –09–19, –13–13, –15–01, –02, –03(2), –04, –16–04(1)(b), –09(22), –15–01, –21–03.
September 8, 1986 ...	December 9, 1986	NDAC 69–05.2–12–20.
April 3, 1987	November 16, 1987	NDCC 38–14.1–16(2), (7), –17(7).
February 10, 1987	February 2, 1988	NDAC 69–05.2–12, –13–04, –23.
June 1, 1988	March 10, 1989	Amendment X, “Standards for Evaluation of Revegetation Success and Recommended Procedures for Pre-and Post- mining Vegetation Assessments”.
April 11, 1989	August 4, 1989	NDCC 38–14.1–37, –39.
November 1, 1988	January 19, 1990 ...	NDAC 69–05.2, 2–01 through –31.
November 20, 1990 ..	January 9, 1992	NDCC 28–32–02(3), (4); NDAC 69–05.2–01–02, –03(4), (5), (7), –04–01(5)(b), –05–06(1), (1d), –06–01, –02(3) through (6), –08–05(2), (2C), (2e), –09(3b), –15, –09–01(4), –06(1), (2), –09(1)(c)(7–8), (1)(e), (2)(c through e), (h), –17(1), (2), –19(1), –10–03, –05(3a, e), –11–03, –12–01(4), (10), –12(3), –18, –20, –13–08(2) through (6), –12(4), –13, –15–04(4)(a)(2)(c), –16–03, –07(2a), –09(9), (17), (18), (20), –12(1), –14(3), –20, –17–01(2), –05(1), –18–01, –12(f), –20–03(1b, d), (3), –22–07(4)(e) through (i), –23–01, –24–01–09, –25–03(2), (4), –26–05, (3), –28–03, (7), 16 through 18.
June 12, 1991, November 19, 1991.	August 20, 1992	NDCC 38–12.1–03–2.b, –05–2.d; 38–14.1–02–33.a, –24.13.a, –30.3.c through g(1), (2); NDAC 43–02–01–18.1, –20; 69–05.2–01–01–3, –05–08, –08–01, –02; 69–05.2–08, –10.1a, –12; –09–04, –09, –10, –11, –14, –17, –10–02, –11–01.5, 02, –12–01, –05 through –08, –12–11, –12, –14, –16, –13–06, –08, –14–01, –15–02, –16–04, –06, –12, –22–07, –25–03, –04; 69–05.2–32, –32–01.1.b.
April 21, 1993	March 15, 1994, July 22, 1994.	NDAC 69–05.2–06–02(3), –09–01(4), –10–03(1), (1)(a), (4), –13–02(4)(e), –08(3) through (6), –15–04(3), –16–09 (13), (14), (16), –20–03(3), (4); NDCC 38–14.1–21(5), –24(13)(e), –37(2), (a) through (f), (3) through (6); 38–12.1–04(1)(a); 43–02–01–05, –20.3(c)(2); 43–02–01–05.
October 22, 1993	July 22, 1994	NDAC 69–05.2–17–02, –29–01(2), –02(1)(a), (b), –03(2), (5), –04, –05, –06(1)(a), –07(1), –08(1)(a) through (e), (2).
November 10, 1994 ..	April 13, 1995	NDAC 69–05.2–04–07(3)(a), –05–09, –06–01(2), –02(6), –10–03(5), –11–01(1)(d), –03(5)(c), –06(1)(c), –12–09(2), –15–02(2a), –16–09(7), (20), –21–01(2), –28–03(6).
February 17, 1994	July 14, 1995	Policy document entitled “Standards for Evaluation of Revegetation Success and Recommended Procedures for Pre- and Postmining Vegetation Assessments”.
March 20, 1996	April 28, 1997	NDAC 69–05.2–09–02.8 –13–02, –15–04.4a(2)c, –19–04.2, 3, –22–07.3.c, 4.d, 4.i, –26–05.3.c; 69–05, 22–07.4.j, .k; changes to new names of U.S. Natural Resource Conservation Service and the North Dakota Department of Health.

[62 FR 9948, Mar. 5, 1997, as amended at 62 FR 22894, Apr. 28, 1997]

§ 934.16 Required program amendments.

Pursuant to 30 CFR 732.17(f)(1), North Dakota is required to submit to OSM by the specified date the following written, proposed program amendment, or a description of an amendment to be

proposed that meets the requirements of SMCRA and 30 CFR Chapter VII and a timetable for enactment that is consistent with North Dakota’s established administrative or legislative procedures.

(a)–(m) [Reserved]

(n) By March 9, 1992, North Dakota shall submit proposed revisions to NDAC 69-05.2-08-15(3)(a) or other revision to require the submission of site-specific fish and wildlife resource information when the permit or adjacent areas are likely to include species listed or proposed to be listed by North Dakota under State statutes similar to the Endangered Species Act, to be no less effective than 30 CFR 780.16(a)(2)(i).

(o)-(x) [Reserved]

(y) By September 20, 1994, North Dakota shall submit proposed revisions to NDCC 38-12.1-08 to (1) specifically address the circumstances under which a corporate director, officer, or agent may be individually subject to either civil or criminal penalties in connection with a violation committed by a corporate permittee; and (2) require that, in addition to violations, failure or refusal to comply with orders, as listed in section 518(f) of SMCRA and issued by the North Dakota Industrial Commission, serves as an additional basis for imposing individual civil and criminal penalties upon corporate officers, directors, and agents.

(z) By September 20, 1994, North Dakota shall submit proposed revisions to NDAC 43-02-01-05 to specifically address the circumstances under which a corporate director, officer or agent may be individually subject to civil penalties in connection with a violation committed by a corporate permittee.

(aa) by June 27, 1997, North Dakota shall revise Chapter II, Section C of its revegetation document to require, prior to stage 3 bond release on land reclaimed for use as prime farmland, the permittee demonstrate restoration of productivity using three crop years.

(bb) By June 27, 1997, North Dakota shall revise Chapter II, Section C in its revegetation document to require tree

and shrub stocking standards that meet all requirements in 30 CFR 816.116(b)(3), including approval by the appropriate State agencies, on land reclaimed for use as recreation.

(cc) By June 27, 1997, North Dakota shall revise its rules at NDAC 69-05.2-19-04.2, "Performance Standards for Disposal of Noncoal Wastes," to include placement and storage standards for all types of noncoal hazardous wastes.

[53 FR 2840, Feb. 2, 1988, as amended at 54 FR 10145, Mar. 10, 1989; 55 FR 1819, Jan. 19, 1990; 57 FR 827, Jan. 9, 1992; 59 FR 11933, Mar. 15, 1994; 59 FR 37431, July 22, 1994; 60 FR 18745, Apr. 13, 1995; 60 FR 36223, July 14, 1995; 62 FR 22895, Apr. 28, 1997]

§934.20 Approval of North Dakota abandoned mine plan.

The North Dakota Abandoned Mine Plan as submitted on July 28, 1981, is approved. Copies of the approved program are available at:

Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, room 2128, Casper, WY 82601-1918; Telephone: (307) 261-5776.

North Dakota Public Service Commission, Abandoned Mine Land Division, State Capitol, Bismarck, ND 58505; Telephone: (701) 224-4096.

[57 FR 33116, July 27, 1992]

§934.25 Approval of North Dakota abandoned mine land reclamation plan amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
March 4, 1983	June 24, 1983	Definition of reclamation terms; right of entry; land acquisition, management, and disposition; other policies and procedures.
September 15, 1987	June 16, 1988	Revision of administrative and management structure of the approved North Dakota Plan.
October 31, 1991	July 27, 1992	NDCC 38-14.2-04, -06.
May 25, 1993	September 27, 1993	Emergency response reclamation program; set-aside trust funds, eligible lands.
September 20, 1995	October 8, 1996	NDCC 38-14.2-03(14); Public Service Commission Procurement and Contract Procedures; PSC policies Nos. 2-01-81(5), 2-02-81(5); PSC organizational structure.

[62 FR 9949, Mar. 5, 1997]